

### REMARKS/ARGUMENTS

Applicant responds herein to the Final Office Action issued September 4, 2008 and the Advisory Action issued on December 23, 2008.

Claims 1-9 are pending in the Application. Claims 1, 2 and 5-7 were rejected in the Office Action, Claims 3, 4, 8 and 9 were allowed.

Applicant thanks the Examiner for the courtesy extended to the Applicant's attorney during the telephone interview of November 17, 2008.

As discussed during the interview and as indicated in the Office Action, the Examiner believes that "using a distance sensor to control the active boundary layer control device" is not taught or suggested by the prior art. Therefore, Claim 1 is being amended to include the limitation of "using a distance sensor to detect a distance" between the leading vehicle and the following vehicle.

Claim 1, as amended, is allowable over the prior art of record. Claims 2 and 6-7 depend from Claim 1. Therefore, Claims 2 and 6-7 are allowable at least for the same reasons as Claim 1 and further on their own merits.

Claim 5 was rejected in the Office Action under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant amended Claim 5 deleting the reference to Claim 4 and, instead, positively reciting all limitations of the allowed Claim 4. Claim 5 is now in compliance with 35 U.S.C. 112.

With respect to Claim 4, the examiner indicated in the Advisory Action that the term "computer-readable code" is a non-statutory term. Claim 4 was amended to recite that the computer-readable code is recorded on a computer-readable media. Applicants believe that Claim 4 is now in condition for allowance. Favorable reconsideration of the rejections and allowance of all pending claims are respectfully requested.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY THROUGH  
THE PATENT AND TRADEMARK OFFICE  
EFS FILING SYSTEM ON **January 5, 2009**.

AV:db

Respectfully submitted,



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